

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JESSICO BUCHANAN,

4:13CV3172

Plaintiff,

v.

**MEMORANDUM  
AND ORDER**

HURT, Corporal, All defendants sued  
in their individual and official  
capacity, KLINE, Officer, All  
defendants sued in their individual  
and official capacity, STEINBECK,  
Sgt., All defendants sued in their  
individual and official capacity,  
DENNIS BAKEWELL, All  
defendants sued in their individual  
and official capacity, and ROBERT  
HOUSTON, All defendants sued in  
their individual and official capacity,  
Defendants.

This matter is before the court on Plaintiff's Motion for the Appointment of Counsel (Filing No. [41](#)). As previously explained to Plaintiff, the court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. [1996](#)), the Eighth Circuit Court of Appeals explained that "[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel[.]" *Id.* (internal citation and quotation marks omitted). No such benefit is apparent here at this time. Thus, the request for the appointment of counsel will be denied.

Defendants' Motion to Dismiss (Filing No. [39](#)) and Plaintiff's Brief in opposition to the motion (Filing No. [42](#)) remain pending.

IT IS THEREFORE ORDERED that: Plaintiff's Motion for the Appointment of Counsel (Filing No. [41](#)) is denied at this time.

DATED this 7th day of May, 2015.

BY THE COURT:

*s/ John M. Gerrard*  
United States District Judge

---

\*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.